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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,886	03/22/2001	Victor Krasnov	FRNT.4.US	7371
21861	7590	06/16/2004		
JANAH & ASSOCIATES A PROFESSIONAL CORP 650 DELANCEY STREET SUITE 106 SAN FRANCISCO, CA 941072001				
			EXAMINER MERCADO, JULIAN A	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/815,886

Applicant(s)

KRASNOV ET AL

Examiner

Julian Mercado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20, 22-27 and 29-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20, 22-27 and 29-55 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 21, 2004 has been entered.

Claims 1-20, 22-27 and 29-55 are pending. Applicant is reminded that although claims 10-19 were omitted from applicant's listing of the pending claims, the status of these claims is more accurately "withdrawn" from consideration.

### ***Claim Rejections - 35 USC § 102 and 103***

The rejection of claims 20, 22, 26 and 27 under 35 U.S.C. 102(b) based on Cheu et al. (U.S. Pat. 5,670,272) has been withdrawn.

The rejection of claims 26 and 27 under 35 U.S.C. 102(b) based on Greatbatch et al. (U.S. Pat. 3,969,142) has been withdrawn.

The rejection of claim 23 under 35 U.S.C. 103(a) based on Cheu et al. and Goebel et al. (U.S. Pat. 4,565,753) has been withdrawn.

The rejection of claims 24 and 29 under 35 U.S.C. 103(a) based on Cheu et al. and Baker (U.S. Pat. 3,844,841) has been withdrawn.

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The rejection of claims 25 and 30 under 35 U.S.C. 103(a) based on Cheu et al. and Bates (U.S. Pat. 5,612,152) has been withdrawn.

The rejection of claim 29 under 35 U.S.C. 103(a) based on Greatbatch et al. and Stockel. (U.S. Pat. 4,309,494) has been withdrawn.

***Allowable Subject Matter***

Claims 1-20, 22-27 and 29-55 are allowed.

Claims 1-9 are allowed for the reasons already of record, specifically, the prior art of record and to the examiner's knowledge do not teach or render obvious at least to the skilled artisan the instant invention regarding a cathode current collector comprising a plurality of conducting lines that contact the cathode surface and having spacings therebetween, with an electrolyte at least partially extending through the spacings to contact the cathode.

Claims 20 and 22-25 are allowed in view of applicant's amendment further defining that the substrate comprises a dielectric material with a cathode layer having a surface adhering to the substrate. To the extent that the substrate [70] in Cheu et al. may be applicable towards this feature and although the record has shown that dielectric substrates are known such as the mica substrate [48] taught by Baker, Cheu et al. either singly or in combination with Baker is precluded from teaching the substrate to be a dielectric material as Cheu et al. specifically disclose the substrate to function as a current collector which is requisitely conductive and not dielectrically insulative. (see Cheu et al., col. 3 line 65-67)

Claims 26, 27, 29 and 30 are allowed in view of applicant's incorporation of the limitations in dependent claim 28 (now canceled), which was previously indicated as allowable

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upon such amendment. As stated in the prior Office action, these claims are allowable consistent with the reasons set forth for claims 1-9.

New claims 31-55 are allowed for similar reasons set forth for claims 1-9 in the prior Office action, in that these claims recite a plurality of spacings through which the electrolyte extends therethrough to contact the cathode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

This application is in condition for allowance except for the following formal matters: Claims 10-19 require formal cancellation or other appropriate amendment pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86) for rejoinder of the process-of-making claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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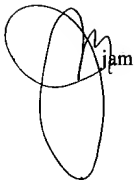
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



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